IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.L.P..No. 264 of 2007()

ST.451/2004 of J.M.F.C.-II,NEDUMANGAD

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PETITIONER/COMPLAINANT

SURESH BABU, SYAMALAYAM,
ARASSUPARAMBU, MUKKOLA,NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: ACCUSED & STATE:

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1. R. MINIMOL, W/O.RAJESH,
TC.(1) 17/829, RADHIKA NIVAS, POOJAPPURA,
TRIVANDRUM.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P.SRI.S.DILEEP FOR R2

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. Thankappan, J.

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Crl.L.P. No. 264 of 2007

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Dated this the 8th day of June, 2007

O R D E R

Petitioner was the complainant in S.T.No.451/2004 on the file of the Judicial Magistrate of First Class-II, Nedumangad. The case set up by the petitioner is that the 1st respondent borrowed an amount of Rs.85,000/- from him and in discharge of the above debt, she issued Ext.P1 cheque to the petitioner and when the cheque was presented for encashment, it was dishonoured with endorsement "payment stopped by the drawer". To substantiate the case of the petitioner, the petitioner himself was examined as PW1 and Exts.P1 to P6 were marked. When the 1st respondent was questioned under section 313 Cr.P.C., she denied the incriminating evidence brought against her. She stated that she had no need to borrow the amount for the treatment of her child and the treatment expenses were met by her company and the company of her husband. She also stated that she had given stop payment letter to the bank on 27-9-2002 stating that the cheque book in which Ext.P1 was available was lost from the house of her husband. The trial court had considered the case in extenso and found that the petitioner had failed to prove that Ext.P1 cheque was issued to the 1st respondent towards consideration.

2. After considering the entire evidence, this Court finds that the finding of the trial court is based on evidence and it requires no interference by this Court. Hence, leave to appeal is rejected.

K. Thankappan,
Judge.

mn.

K.Thankappan,J.

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Crl.l.P.No. 135 /2007

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ORDER

2-3-2007